% 25.08.2006

Present : Mr.Atul Kumar, Adv. for the petitioner.
Ms.Zubeda Begum, Adv. for respondent Nos. 1, & 4.
Mr.O.P. Saxena, Adv. for respondent No.2/MCD.
Mr.Anil Sapra, Adv. for respondent No.3.

+ **W.P.(C) No.13350/2006**
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The present petition has been filed by Delhi Jhuggi Jhopri Kalyan Avom Vikas Sangh, a society formed by the jhuggi dwellers and slum clusters situated at Nangla Manchi, New Delhi. This petition is totally misconceived as earlier some other occupants of jhuggi cluster of Nangla Manchi had filed a Special Leave Petition No. CC 3732/2006 assailing therein the order of the High Court dated 5th April, 2006 passed in **Hem Raj & Ors. Vs. Commissioner of Police & Anr.** *(W.P.(C) No.3419/1999).* The Delhi High Court had directed the removal of the occupants of Nangla Manchi as the said jhuggi cluster was on the Yamuna bed and it was not on pubic land but on a land where ash pond was in existence for filling the fly ash which gets

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generated from Indraprastha Power Station. The Hon'ble Supreme Court had disposed of the said Special Leave Petition on 9th May, 2006 by passing the following order:-

> "The petitioners are given three weeks' time to vacate the premises in question. The respondents who appear on caveat will retain a list of those persons who are bona fide pre 1998 occupants and allotment of alternative accommodation will be made to them as and when available."

Again some other residents of Nangla Manchi filed a W.P.(C) No.287/2006 directly in the Hon'ble Supreme Court which was also dismissed by the Supreme Court on 17th July, 2006 by the following order:-

> "The claim of the petitioners has been finally determined by this Court in terms of the order dated 9th May, 2006 whereby the special leave petition was disposed of. In case the petitioners are aggrieved by any policy, they may approach the appropriate forum/authorities. Such disputes cannot be permitted to be raised in a petition of this nature filed in exercise of powers under Article 32 of the Constitution of India."

From the perusal of the prayer in the writ petition, it is

manifestly clear that it is also an attempt by the petitioner to reagitate the issue which has been finally determined by the Supreme Court and this Court.

There is no merit in this petition and the same is hereby dismissed.

Acting Chief Justice

Kailash Gambhir, J.

25th August, 2006
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